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Ethics Committee Issues Advisory Opinion 2012-04 Today!

ADVISORY OPINION 12-04

QUESTION:

Does the Legislative Ethics Act permit a legislator or legislative employee to publish, as part of a political election campaign communication on the Internet or elsewhere, an address or electronic link to an Internet website created or maintained with legislative resources?

Background Information:

- The Legislative Affairs Agency uses legislative resources to create and maintain a website for the purpose of communication between the legislature and the public.
- The House and Senate Majority and Minority use legislative resources to create and maintain websites to communicate with the public.
- AS 24.60.030(b) prohibits a legislator from requiring a legislative employee to perform campaign activity on government time. AS 24.60.030(h) permits legislative employees to respond to incidental campaign activities.
- AO 2007-07 determined legislative contact information is a state resource and cannot be used for campaign purposes. "Calls generated from a legislative phone number on campaign material do not fall in the unsolicited category nor are they beyond the legislator's control. By including the legislative phone number, the legislator is authorizing and requiring the use of state resources (office equipment and staff) for campaign activities in violation of the Act. The fact the number of campaign-related calls may be nominal or limited is not relevant."

DECISION:

The Legislative Ethics Act does NOT permit a legislator or legislative employee to publish, as part of a political election campaign communication on the Internet or elsewhere, an address or electronic link to an Internet website created or maintained with legislative resources IF the website contains the legislator's contact information.

A legislator or legislative employee is permitted to "paste" certain information from a legislative website or e-newsletter to a campaign website under the condition no legislative contact information is displayed on the material that is to be pasted.